

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:08CR121**

**DAMION LUNDY**

**ORDER**

This cause is before the Court on defendant's Motion for Continuance [42]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on April 26, 2010. In support of the motion, defense counsel avers that he has insufficient time to devote to trial preparation due to his involvement in a protracted civil trial in the weeks prior to the scheduled trial date. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from April 26, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant's Motion for Continuance [42] is GRANTED;

2. That the trial of this matter is continued until Monday, June 14, 2010 at 9:00 a.m.  
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from April 26, 2010 until June 14, 2010 is excluded as set out above;
4. That the deadline for filing pretrial motions is May 24, 2010;
5. That the deadline for submitting a plea agreement is June 1, 2010.

SO ORDERED, this the 7<sup>th</sup> day of April, 2010.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE